

Applicant(s): Chi Vu et al.
U.S.S.N.: 10/552,302

REMARKS

This is in reply to the final office action mailed September 29, 2009. Applicants have amended claims 1, 7, 9-10, 19-22, 27 and 29-32 to more clearly and distinctly point out the subject matter of the claimed invention. Support for these amendments can be found throughout the specification as originally filed, for example, in Examples 1-2, 9-10 and 16 and in original claims 30-32. The Examiner has previously withdrawn claims 2-46. Thus, claims 1-46 are currently pending while claim 1 is currently under examination. No new matter has been added by these amendments. Please consider the following remarks.

Rejection Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Neustadt et al. (U.S. 6,875,772) ("Neustadt"). Specifically, the Examiner alleges that pending claim 1 reads on numerous compounds of the reference, e.g., Examples 3, 5, 6, 8, 9-12 and 15. Applicants traverse to the extent that the rejection is maintained over the claims as amended.

As discussed above, Applicants have amended claim 1. Applicants submit that these amendments overcome the Examiner's above anticipation rejection. Accordingly, Applicants request reconsideration.

Rejection Under 35 U.S.C. §112, 2nd Paragraph

Claim 1 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner has maintained the rejection of claim 1 as being indefinite due to the term "heteroaryl". Second, the Examiner alleges that the terms "heterocycloalkyl", "heterocycloalkenyl", "heteroaralkyl" and "heterocyclyl" are indefinite because it is not known how many atoms make up the ring, which atoms are present and what kind of a ring is intended. Lastly, the Examiner argues that when two adjacent R' groups can join to form a 4 to 8 membered optionally substituted cyclic moiety, it is unclear which atoms form the cyclic moiety. As discussed above, Applicants have amended claim 1 which no longer recites any of the terms objected to by the Examiner. Accordingly, Applicants

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respectfully submit that this amendment overcomes the above rejection and request withdrawal and reconsideration.

Excluded Compounds/Provisos

In response to the Examiner's request on p. 3 of the Office Action, Applicants submit that any excluded compounds that may be material to the examination of this application have been cited in the Information Disclosure Statements filed previously.

Conclusion

Applicants submit the application is in condition for allowance, which action is requested.

Respectfully submitted,

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